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| APPLICATION NO.                                                                                                        | FILING DATE | FIRST NAMED INVENTOR   | ATTORNEY DOCKET NO.        | CONFIRMATION NO.       |
|------------------------------------------------------------------------------------------------------------------------|-------------|------------------------|----------------------------|------------------------|
| 10/683,954                                                                                                             | 10/09/2003  | Deerendra Madhusudhana | 50325-0798                 | 2774                   |
| 29989 7590 12/13/2007<br>HICKMAN PALERMO TRUONG & BECKER, LLP<br>2055 GATEWAY PLACE<br>SUITE 550<br>SAN JOSE, CA 95110 |             |                        | EXAMINER<br>JEAN, FRANTZ B |                        |
|                                                                                                                        |             |                        | ART UNIT<br>2154           | PAPER NUMBER           |
|                                                                                                                        |             |                        | MAIL DATE<br>12/13/2007    | DELIVERY MODE<br>PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/683,954

Applicant(s)

MADHUSUDHANA ET AL.

Examiner

Frantz B. Jean

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-20,25,27-44,49,51 and 52 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,18-20,25,27,42-44,49,51 and 52 is/are rejected.
- 7) ☐ Claim(s) 4-17, 28-41 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

**This office action is in response to applicant's arguments filed on 09/24/07. Claims 1, 3-20, 25, 27-44, 49, 51-52. Claims 2, 21-24, 26, 45-48 and 50 have been canceled.**

The amendment filed on 09/24/07 has been entered.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3, 18-19, 25, 27, 42-43, and 49, 51-52 are rejected under 35 U.S.C. 102(e) as being anticipated by Shafie-Khorasani et al. hereinafter ("Shafie-Khorasani") US publication Number 2003/0235280 A1.

As per claims 1, 25 and 49, Shafie-Khorasani teaches a method, system and computer-readable medium for initiating a call analysis from an IP phone, the method comprising computer-implemented steps of: accessing, by the phone (user interface 452 allows for the navigation by the user through the network to observe, analyze and/or act upon irregularities in the network par 0063), configuration information associated with the phone (a network component), wherein the configuration information includes

information about an associated network management system (information regarding path and state from point A to point B, i.e. phone to phone or computer to computer as shown in fig 1; see par 0067 and 0124, see fig 1 and 4); and automatically initiating, from the phone, transmitting an alert to the network management system, wherein the alert informs the network management system about the call and requests the analysis (0016, and 0051-0053; par 0079 discussed predefined action; a set of rules that are set up to automatically perform an action such as generating an alarm or sending email or pager calls; those actions are generated from a phone or computer).

As per claims 3, 27, and 51, Shafie-Khorasani teaches determining, by the phone, an issue with the call that warrants analysis of the call (par 0066).

As per claims 18 and 42, Shafie-Khorasani teaches transmitting an alert that is initiated by a user of the phone (see par 0063).

As per claims 19 and 43, Shafie-Khorasani teaches accessing configuration information from a remote server (par 0067 and 0124, fig 1).

As per claim 52, Shafie-Khorasani teaches an IP telephony system that can initiate analysis of a call, the system comprising: a network interface (fig 2-3; par 0005 and 0008); a processor coupled to the network interface and receiving message from a network through the network interface (see fig 1, phone, computer; see par 0067, point A to point C or endpoint); a computer-readable medium comprising one or more stored sequences of instructions, which when executed by the processor, cause the processor to carry out the steps of: accessing, by the phone (user interface 452 allows for the

navigation by the user through the network to observe, analyze and/or act upon irregularities in the network par 0063), configuration information associated with the phone (a network component), wherein the configuration information includes information about an associated network management system (information regarding path and state from point A to point B, i.e. phone to phone or computer to computer as shown in fig 1; see par 0067 and 0124, see fig 1 and 4); and transmitting an alert from the phone to the network management system, wherein the alert informs the network management system about the call and requests the analysis (0016, and 0051-0053).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 20 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shafie-Khorasani in view of Harvey, IV hereinafter "Harvey" US publication Number 2003/0177208 A1.

As per claims 20 and 44, Shafie-Khorasani does not explicitly teach a TFTP server. Harvey is directed to an automatic TFTP firmware download (see abstract, par 0009 and 0050).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Harvey's TFTP feature to Shafie-Khorasani network voice and data traffic monitoring to save information regarding IP phone system. One skill artisan at the time of the invention would be motivated to do so because using TFTP server allows multiple clients systems to download files from the server in a quick and efficient manner while facilitating periodic update and up-to-date configuration (see par 0009 and 0050)

#### ***Allowable Subject Matter***

Claims 4-17 and 28-41 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Response to Arguments***

Applicant's arguments filed on 09/24/07 have been fully considered but they are not persuasive.

Applicant argued that Shafie-Khorasani fails to disclose 1) accessing configuration information by an internet protocol phone, 2) initiating transmission of an

alert from an internet-protocol phone, 3) informing the network management about a call, 4) TFTP.

Examiner submits that applicants have misinterpreted the prior art of record. As per item 1), Shafie-Khorasani teaches network configuration component 706 provides information regarding path and state of system 704. Therefore, the steps of accessing network component to retrieve information are implicit in Shafie-Khorasani (see par 0067 and 0124).

As per item 2), the steps of initiating transmission of an alert from an IP phone (network component) is disclosed by Shafie-Khorasani (see par 0016 and 0051-0053).

As per item 3), Shafie-Khorasani is directed to network voice and data traffic monitoring and congestion management. Therefore, when there is an event in the system an alert information is being generated to the management system for purpose of analysis in order to take corrective action (see par 0016-0017).

As per item 4), Shafie-Khorasani in combination with Harvey discloses a TFTP server (see Harvey par 009 and 0050).

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantz B. Jean whose telephone number is 571-272-3937. The examiner can normally be reached on 8:30-6:00 M-f.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Flynn can be reached on 571-272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



**FRANTZ B. JEAN**  
**PRIMARY EXAMINER**